UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	
v.	Case No. 19-CR-10080-NMG
AMY COLBURN, et al.,	
Defendants.	

I-HSIN "JOEY" CHEN'S OPPOSITION TO RE-CONSOLIDATION

On June 15, this Court ordered that I-Hsin Chen, together with Greg Colburn and Amy Colburn proceed to trial on January 11, 2022. Mr. Chen and counsel have relied on the Court's order and have lost precious time for preparation. The government has not produced to Mr. Chen the required witness or exhibit lists. And counsel, relying on the Court's order, have informed Mr. Chen's witnesses that they will not be required to testify before January.

The Court split Mr. Chen and the Colburns from the five "side door" defendants in large part because the Moakley Courthouse cannot accommodate a trial of more than six defendants. One of the five "side door" defendants has now pled guilty, and the government proposes to re-consolidate the groups for a trial of seven defendants. But seven did not magically become six in the intervening weeks. The Moakley Courthouse is still not capable of accommodating a seven-person trial. The government seeks to avoid this problem by arguing that Greg and Amy Colburn are really one person, and seven defendants and their lawyers are really only six. This is nonsense—whether the applied rubric is mathematical, metaphysical, or

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constitutional. A trial of even six defendants in a case as complex as this is likely to prove challenging. A trial of seven will be extraordinarily unwieldy.

In fact, it makes no more sense to consolidate the trial of Mr. Chen (and Greg and Amy Colburn) with that of the "side-door" defendants than it did three weeks ago. The Court grouped the defendants for trial as it did in apparent recognition that the allegations against the "testing" defendants are sufficiently discrete and limited that their trial could be efficiently handled even given Mr. Chen's need for a Mandarin interpreter. Interpretation would still increase the length of the trial, but there would be no need to present and interpret the bulk of evidence irrelevant to "testing" defendants' guilt or innocence. The time-savings from this arrangement are obvious. The government proposal would eliminate those efficiencies and require that the entirety of the evidence against the "side-door" defendants to be interpreted for and understood by Mr. Chen. And it will create logistical bottlenecks when counsel attempts to confer with Mr. Chen through an interpreter at a defense table, in a courtroom, that lacks adequate space.

Moreover, as the Court is aware, both of Mr. Chen's attorneys are counsel in a previously scheduled trial of *CashCall, et al., v. Katten Muchin*, et al, Case No. 30-2017-00914968, set for August 16, 2021 in Complex Division of the Superior Court for Orange County, California. This is a lengthy and complex matter, and counsel, relying on the January 11, 2022 setting for Mr. Chen's trial, for the past several weeks have focused on that matter and have advised the court in theis matter that they are ready to go forward on the scheduled trial date. Both the court and opposing counsel have blocked twelve weeks to allow that matter to proceed to trial.

For all these reasons, it would be grossly unfair to now upend the trial schedule set by this Court after due consideration. The government offers no basis for doing so. The motion should be denied.

Dated: July 6, 2021

Respectfully submitted,

/s/ Reuben Camper Cahn

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CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I, Reuben Camper Cahn, hereby certify that on July 6, 2021 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

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/s/Reuben Camper Cahn
Reuben Camper Cahn

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